

Before the Board of Zoning Adjustment, D. C.

A M E N D M E N T

Application No. 11216, of Norair Realty Co., for variances from the side yard requirements, rear yard, open space in front of building, lot width, and variance from Section 7205, to permit parking in front and less than 10 feet of buildings, and special exception to permit a community center building, recreation center building and swimming pool at Wheeler Road and Savannah Street, S. E., Parcel 235/64, Square 5957.

HEARING DATE: November 29, 1972 and May 16, 1973

EXECUTIVE SESSION: August 21, 1974

FINDINGS OF FACT:

1. The approved site plan and Findings of Fact No. 13 of the Board's Order, dated July 3, 1973, called for the construction of a total of 141 dwelling units in the form of single family row houses. The applicant now proposes the construction of a total of 125 dwelling units instead of 141.

2. In accordance with the Board's grant of the special exception, the approved site plan calls for a community center building, recreation center building and swimming pool. The swimming pool has been eliminated from the site plan.


3. All other findings and opinions of the Board's Order, dated July 3, 1973, remain the same.

ORDERED: That the applicant's request for modification of plans be granted in accordance with Exhibit Plan B.

VOTE: 4-0 (Lilla Burt Cummings, Esq. abstaining because she did not hear the case.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER: SEP 03 1974

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEPARTMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING - November 29, 1972 -- May 16, 1973

Application No. 11216 - Norair Realty Co., Inc.
Warren W. Porter, Appellant

On Motion duly made, seconded and carried 3-1-0 (Mr. McIntosh dissenting and Lilla Burt Cummings, Esquire, not having heard the earlier testimony) the following Order of the Board was entered at the meeting of May 23, 1973.

EFFECTIVE DATE OF ORDER **JUL 3 1973**

ORDERED:

That the appeal for:

1. Variance from side yard requirements.
2. Variance from the rear yard requirements.
3. Variance from open space in front of building requirements.
4. Variance from the lot width requirements.
5. Variance from Section 7205, to permit parking in front and less than 10 feet of buildings, and
6. Special exception to permit a community center building, recreation center building and swimming pool,

at Wheeler Road and Savannah Street, Southeast, Parcel 235/64, Square 5957, be GRANTED.

FINDINGS OF FACT:

1. The subject property is located in an R-2 District.
2. The site is undeveloped land and the appellant requested variance from side yard requirements (all units), from rear yard requirements (9 units), from open space in front of buildings requirements (19 units), from lot width requirements (all units), from parking in front and within less than 10 feet of buildings, and a special exception to permit a community center building, recreation center building and swimming pool.
3. The character of structures on property adjacent to the site is predominately multi-family; to the south is a small concentration of single family semi-detached dwellings.

4. The stated position of the D. C. Government, through the Office of Housing Programs, is to encourage the development of single family dwellings and home ownership.

5. Appeals to permit multi-family structures on the site have been unsuccessful.

6. The site was originally 14.1 acres and reduced to 10.1 acres by action of an agency of the D. C. Government (Board of Education) by exercise of right of "Eminent Domain". These 4 acres are primarily flat, devoid of substantial ground cover and ideal for housing of school development.

7. Evidence was entered indicating support for the appeal by the Housing Assistant to the Mayor.

8. Evidence and testimony were submitted as to the lack of impact on traffic volume and flow and school facilities.

9. Testimony was submitted by expert witness that the proposed use would not encroach on R-2 District constraints as regards density, lot size or ground coverage.

10. Testimony was submitted that site development costs in the R-2 District would be such that development would be economically infeasible because of topographic and soil conditions.

11. Testimony was submitted that the proposed use is compatible with existing zoning patterns.

12. The proposed use will conform with the D. C. Horizontal Property Act ("Condominium Law").

13. The proposed use would involve the construction of a total of 141 dwelling units in the form of single family row (town) houses.

14. The architect for the project described the steep topography, the poor drainage and the resultant difficulties encountered in site planning.

15. Testimony was submitted that the topography and shape of the subject property, are hardships peculiar to the property.

16. There was support from the community association for houses on the subject property.

17. Opposition at the hearing was based on density, traffic, lack of services and erosion.

OPINION:

The proposed use of the subject property is at the least, compatible with existing adjacent uses and is desirable. There are unusual topographic and slope characteristics peculiar to the subject property. The proposed use provides a feasible solution to the problem of drainage control.

The Board is further of the opinion that traffic will not be seriously affected by the proposed project and that impact on schools and recreation facilities in the area will be absorbed without difficulty since the numbers of dwelling units will be the same as if the property were developed in strict compliance with the R-2 District regulations.

It is the Board's opinion that the proposed density and coverage is within the limits of the R-2 District constraints.

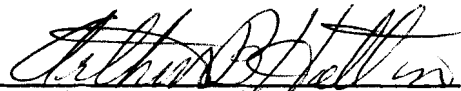
And we are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship to the owner.

We hold that the requested relief can be granted without detriment to the public good and without impairing the intent, purpose or integrity of the zone plan as embodied in the Zoning Regulations and map.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:



ARTHUR B. HATTON

Acting Secretary of the Board